

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.13872 of 1998

Date:21.03.2007

Between:

Islamia Arabic College.

.. PETITIONER

AND

The Municipal Corporation of Hyderabad.

..RESPONDENT

ORDER:

The petitioner is an educational institution. Way back in the year 1956, one Smt.Abbassi Begum is said to have gifted an extent of Acs.3.28 guntas of land in Sy.Nos. 142/1, 142/2 and 142/3 of Bhailulhanguda, Hyderabad. Its grievance is that the respondent herein is trying to lay the road across the land without initiating any proceedings under the Land Acquisition Act, 1894, or otherwise paying compensation.

Sri K.Soma Konda Reddy, the learned counsel for the petitioner, submits that the respondent cannot use the property held by the petitioner even for a public use, unless it is acquired in accordance with the procedure prescribed by law.

Though nine years have elapsed, the respondent has not filed any counter affidavit.

The petitioner asserts that it is the absolute owner of the land referred to above. The properties held by individuals or organizations can be utilized for roads or other amenities, only after acquiring the same in accordance with the provisions of law. The allegation of the petitioner that the respondents are attempting to lay the road across the land, without acquiring it, is not rebutted.

This Court granted an interim order way back on 15.05.1998.

The writ petition is, therefore, disposed of, directing that the respondent shall not lay the road across the land of the petitioner except by acquiring the same in accordance with law and after payment of compensation. There shall be no order as to costs.

21.03.2007

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